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# A BILL FOR AN ACT

RELATING TO CRITICAL ENERGY INFRASTRUCTURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that energy is the  
2           lifeblood of Hawaii's economy. The provision of safe, reliable,  
3           clean, and affordable energy is in the interest of all Hawaii  
4           residents and businesses.

5           The legislature also finds that lessons learned from the  
6           recent disaster in Puerto Rico and the subsequent loss of  
7           electrical grid infrastructure and months without electricity,  
8           as well as lessons learned from Fukushima, Japan, and the loss  
9           of critical infrastructure in tsunami and flood-prone areas,  
10          must be considered in Hawaii. Further, recent reports have  
11          identified increasing vulnerability in Hawaii's coastal areas to  
12          sea level rise, flooding, erosion, storm surge, and tsunamis.

13          The Sea Level Rise Vulnerability and Adaptation Report,  
14          mandated by Act 83, Session Laws of Hawaii 2014, and expanded by  
15          Act 32, Session Laws of Hawaii 2017, provides the first state-  
16          wide assessment of Hawaii's vulnerability to sea level rise and  
17          recommendations to reduce our exposure and sensitivity to sea



1 level rise and increase the State's capacity to adapt. The  
2 report combines the best available science on climate change and  
3 sea level rise from sources such as the Intergovernmental Panel  
4 on Climate Change (IPCC) Assessment Report 5, more recent  
5 scientific reports from the National Oceanic and Atmospheric  
6 Administration and the National Aeronautics and Space  
7 Administration, as well as the best-available peer-reviewed  
8 scientific research articles. The report finds that while the  
9 IPCC's "business as usual" scenario, where green house gas  
10 emissions continue at the current rate of increase, predicts up  
11 to 3.2 feet of global sea level rise by year 2100, recent  
12 observations and projections suggest that this magnitude of sea  
13 level rise could occur as early as the year 2060 under more  
14 recently published highest-end scenarios. A 3.2-foot sea level  
15 rise would jeopardize an area that the report refers to as the  
16 sea level rise exposure area. According to the report, this  
17 area, approximately 25,800 acres of land in the State, would be  
18 exposed to potential chronic flooding and land loss based on  
19 modeling passive flooding, annual high wave flooding, and  
20 coastal erosion with sea level rise. The report finds that over  
21 six thousand five hundred structures located in the sea level



1 rise exposure area would be compromised or lost, with an  
2 estimated loss of \$19,000,000,000 from flooded structures and  
3 land.

4 The report recommends that state and county leaders  
5 prioritize redevelopment outside of the sea level rise exposure  
6 area and limit exposure within the sea level rise exposure area.  
7 The report further recommends that the state and counties should  
8 adopt a review and approval process to ensure that new  
9 development and capital improvement projects with an expected  
10 life span of thirty years or more are designed and sited to  
11 address the impacts of sea level rise utilizing the sea level  
12 rise exposure area as a vulnerability zone.

13 The purpose of this Act is to help prevent the results of a  
14 disaster like that which befell Puerto Rico's electric grid and  
15 Fukushima's critical infrastructure from occurring in Hawaii,  
16 protect ratepayers from being forced to pay to move future grid  
17 infrastructure due to disaster risk, and adopt one of the  
18 recommendations of the Sea Level Rise Vulnerability and  
19 Adaptation Report regarding the siting of new development by  
20 prohibiting the approval of new critical electric grid  
21 infrastructure in the sea level rise exposure area.



1 SECTION 2. Chapter 196, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4 "§196- Energy infrastructure resiliency. (a) No state  
5 or county agency shall issue a permit to any applicant for the  
6 construction or operation of a ratepayer funded new grid-  
7 connected electrical generation facility in excess of five  
8 megawatts or energy storage facility in excess of fifty megawatt  
9 hours located anywhere in a sea level rise exposure area.

10 (b) As used in this section, "sea level rise exposure  
11 area" is the coastal area in Hawaii exposed to potential chronic  
12 flooding due to a 3.2 foot sea level rise as depicted in the  
13 Hawaii Climate Change Mitigation and Adaptation Commission's  
14 2017 Hawaii Sea Level Rise Vulnerability and Adaptation Report."

15 SECTION 3. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18 SECTION 4. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Critical Energy Infrastructure; Sea Level Rise Exposure Area

**Description:**

Prohibits a county or state agency from approving a permit to construct or operate a new grid-connected electrical generation facility in excess of five megawatts or storage facility in excess of fifty megawatt hours if it is located in a sea level rise exposure area. (HB2469 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

